

August 6, 2009

**OFFICE OF THE HEARING EXAMINER
CITY OF RENTON**

Minutes

OWNER: Cheryl Webber
5500 Rainier Avenue S
Seattle, WA 98118

CONTACT: Terry Wilson
Cramer Northwest, Inc.
945 N Central Ave, Ste. 104
Kent, WA 98032

Veldyke II Short Plat
LUA-09-058, SHPL-H

LOCATION: 3819 NE 19th Street

SUMMARY OF REQUEST: Hearing Examiner Short Plat approval for a 7-lot subdivision on a 1.87 acre site. Hearing Examiner approval was originally granted on 8/18/2005; however, the approval expired on 8/18/2008.

SUMMARY OF ACTION: Development Services Recommendation: Approve subject to conditions.

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on July 14, 2009, 2009.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the July 21, 2009 hearing.
The legal record is recorded on CD.*

The hearing opened on Tuesday, July 21, 2009, at 9:05 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

<u>Exhibit No. 1:</u> Yellow file containing the original application, reports, staff comments, proof of posting, proof of publication and other documentation pertinent to this request.	<u>Exhibit No. 2:</u> Zoning and Neighborhood Detail Map
<u>Exhibit No. 3:</u> Aerial Photo	<u>Exhibit No. 4:</u> Short Plat Plan

Exhibit No. 5: Approved Landscape Plan	

The hearing opened with a presentation of the staff report by Rocale Timmons, Associate Planner, City of Renton, 1055 S Grady Way, Renton, Washington 98055. The subject site is 1.87 acres located within the Residential Single Family Designation and the R-8 zone.

The proposal is for 7 lots and two tracts. Tract A would be an access tract located to the north of Lots 5 and 6 and Tract B would be an open space tract set aside for future development when joined with the property abutting to the west. The subject site is surrounded by single-family residences except for to the south, that property is CA zoned and contains some townhomes.

Since the original approval, all original buildings have been removed. All infrastructure has been constructed, sewer, water and Redmond Ave NE. The applicant is now requesting Short Plat approval in order to proceed to recording.

Staff recommended adopting the original approval with no additional conditions. There were 11 conditions as part of the original approval. There are 10 conditions on today's report, an additional condition would be added to provided that landscaping in Tract B would be maintained for three years following installation.

There has been a slight change in the eastern boundary. In the northeastern portion of the site the boundary has changed to accommodate an encroachment from a neighboring property.

The average lot size is approximately 5,500 square feet, and the project appears to comply with all Comprehensive Designation Policies as well as zoning as long as conditions are met. Proposed density would be 6.93 dwelling units per acre once the deduction for Redmond Avenue and access easement in Tract A are taken.

A modification was granted for Redmond Avenue NE in terms of the width of the right-of-way and the radius of the cul-de-sac. This was granted as part of the original approval and is still valid today.

All lot size, width and depth meet the requirements of the R-8 zone. Setback and building standards would be verified at the time of building permit.

The applicant had an approved landscape plan from the original plat approval. Current requirements are for two street trees for each lot and a five foot landscape strip. The applicant has provided that on all lots.

Staff had received comments regarding the fencing that is along Redmond Avenue NE, as a condition of the original approval a six-foot high fence was required along the eastern border of the property. One of the abutting property owners wants to use Redmond Avenue NE in order to remove trees from their lot by way of a crane. This would impact the fence along that property line. It appears that the fence may be located in the right-of-way, they would like some determination as to whether the homeowners' association would maintain that fence or not. If so, there should be some language in the CC&R that would state how the fence should be maintained.

Staff stated Condition 11. Staff shall formulate a method of maintenance and monitoring for Tract B to avoid its becoming an eyesore or nuisance. Additionally, Staff recommended a Condition 12. Staff recommended that Lots 1-4 would front to the east and Lots 5-7 would front to the north.

Terry Wilson, Cramer NW stated that the boundary line was moved pursuant to a Quiet Title action that was under King County Superior Court Cause #08-2037589-7. That is represented in the Title Report and on the legal description for the existing parent parcel on the survey drawing.

The storm detention that is located on the south portion of Tract A, includes a 20-foot wide easement shown for the purposes of accessing Lot 5. On the previous approved short plat, there was an item under the Findings, Conclusions and Recommendation regarding that area that could provide access to one lot to the west of the subject site. In the future this Redmond Avenue NE would provide public access to this 20-foot wide easement which would allow access up to one other lot to the west.

He was not sure if that should be stated in this version of the short plat approval, to the extent that the owner would like to have some limitation language there that the rights were just to the one lot to the west only.

Kayren Kittrick, Community and Economic Development stated that Lot 5 is served by that 20-foot easement, in the original it was to give an alternative option for being able to get to Tract A for maintenance. It was always the intent that the access was for one lot to the west. It could be a condition, or a condition by common grant, either would be fine. It might be strongest on the face of the plat or by common instrument.

There is a curb in place on the east side on the fence side.

The radius curve of the cul-de-sac was already approved by the Fire Department.

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 9:30 a.m.

FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. The applicant, Cheryl Webber, filed a request for an approval of a seven lot short plat together with two tracts. The same short plat had been reviewed and approved on August 18, 2005 (LUA05-065) but expired without being recorded. The report with some minor changes replicates the original report.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official determined that the proposal is exempt from environmental review. While there is a wetland on the subject site, it was found to be below the threshold to trigger Critical Areas review.
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. The subject site is located at 3819 NE 19th Street. The site is located on the south side of NE 19th Street. The subject site is located two blocks west of Union Avenue NE and one block west of a segment of Shelton Avenue NE.
6. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of single family uses, but does not mandate such development without

consideration of other policies of the Plan.

7. The subject site is currently zoned R-8 (Single Family - 8 dwelling units/acre).
8. The subject site was annexed to the City with the adoption of Ordinance 4070 enacted in June 1987.
9. The subject site is approximately 1.87 acres or 81,457 square feet. The parcel is generally rectangular although it narrows in a stairstep fashion along its northwestern property line. The parcel is approximately 155 feet wide (south property line) by approximately 640 feet long (north to south). An encroachment was delineated on the northern portion of the eastern property line. This required a boundary adjustment and the access roadway to curve slightly to the west to accommodate an appropriately wide road.
10. An existing residence and outbuildings were removed from the western side of the subject site. The road, cul-de-sac and utilities have been installed.
11. The site slopes gently to the south with slopes approaching approximately 10 percent at its steepest.
12. The applicant proposes preserving some trees located along the western edge of the parcel but most of the 50 trees located on the site would be removed. Staff reports that the proposed landscaping meets code.
13. The applicant proposes dividing the subject site into seven lots. The lots would generally be located west and south of a new cul-de-sac public road. The 42 foot wide road would begin at NE 19th Street and run south along the eastern edge of the site and end in a 50 foot radius cul-de-sac. At the northern end of the plat Tract B would be created. It would be approximately 38 feet wide and 247 feet long. Proposed Lots 1 to 4 would be located along the western edge of the property while Proposed Lots 5 to 7 would be located along the southern edge. Tract A would be a stormwater and access tract located just south of Proposed Lot 4. The proposed lots would range in size from 4,812 square feet to 6,655 square feet.
14. The applicant proposes eventually consolidating Tract B with adjoining property to the west of the subject site. The size and narrow shape of this tract is defined by the creation of the new access roadway. As an oddly shaped "remainder" parcel, the applicant proposes temporarily preserving it as open space with the hope of combining it with adjacent property and re-dividing it in the future.
15. Tract A would provide room for a storm vault and a 20 foot wide access easement that would provide access to Proposed Lot 5 and to the rear or eastern portion of a new plat west of the subject site. The rear or southern portion of this adjacent plat is separated by very steep terrain from public access. This applicant can provide access to that area since the subject site has much more gentle terrain. A 20 foot wide access easement could only serve one additional lot.
16. The density for the plat would be 6.93 dwelling units per acre after subtracting acreage that would serve as roadways.
17. The subject site is located within the Renton School District. The project is expected to generate approximately 3 school age children. These students would be spread across the grades and would be assigned on a space available basis.
18. The development will increase traffic approximately 10 trips per unit or approximately 70 trips for the 7

single family homes.

19. As noted above, stormwater would be directed to a vault on Tract A. Currently water sheet flows to the south and then to a detention system located on third party property adjacent to Honey Creek. The subject site is in the Honey Creek drainage basin
20. Sewer and water service would be provided by the City.
21. The City has created a fee structure based on apportioning the costs offsetting the impacts of new development on roads, fire services and parks. That fee structure provides a consistent method of making sure new development pays for its share of infrastructure.
22. Staff recommended that a fence be provided along the eastern edge of the new road to protect the adjacent property from impacts of 70 new vehicle trips. The fence was installed.
23. The cul-de-sac length will require homes along the southern extent to have sprinklers installed for fire protection.

CONCLUSIONS:

1. Since there have been no significant changes to the proposal or the area in which it is located, the proposed short plat appears to serve the public use and interest as it did when originally reviewed. The applicant will be creating a new public street to provide access to the subject site and will even provide access for an additional lot on adjacent property to the west via an easement road.
2. The subdivision will create additional housing opportunities in an area where urban services such as water and sewer are available. The creation of new housing will also increase the tax base of the City.
3. While generally increasing the tax base, new development does create additional burdens on roads, parks and emergency services. State law requires that new development make provision for parks, roads and other urban services, therefore, the applicant will be required to make provision for those impacts by paying the appropriate fees.
4. The creation of Tract B as temporary open space should be clearly defined in the plat documents so that residents do not rely on it for local recreational needs. Also, staff should draft requirements for maintenance and monitor the state of this parcel since it could become an eyesore if it is not developed in a reasonable timeframe and owned by a remote party.
5. Since the access easement will serve both a property in this plat as well as in a separate existing plat, ownership and maintenance will require specific language assuring that the roadway is appropriately maintained.
6. The applicant will have to dedicate the new roadway.
7. In conclusion, the proposed short plat appears to provide a reasonable way to divide the existing larger acreage.

DECISION:

The proposed short plat is approved subject to the following conditions:

1. The applicant shall obtain a demolition permit and complete all inspections and approvals for all buildings located on the property prior to the recording of the final short plat. The satisfaction of this requirement is subject to the review and approval of the Current Planning Project Manager.
2. The applicant shall record a restrictive covenant and have it noted on the face of the plat designating Tract B as open space and to remain undeveloped until such time as the abutting western property is available for consolidation for future development. The satisfaction of this requirement is subject to the review and approval of the Current Planning Project Manager prior to recording of the short plat.
3. The applicant shall install a 6-foot high solid wood privacy fence along the east property line for the length of the new street. The satisfaction of this requirement is subject to the review and approval of the Current Planning Project Manager.
4. The applicant shall pay the appropriate Transportation Mitigation Fee equal to \$75.00 for each new daily trip associated with the project. Credit given for one existing residence. The Transportation Mitigation Fee shall be paid prior to the recording of the short plat.
5. The applicant shall submit a conceptual landscape plan for the five (5 ft) foot landscape strip as prepared by a registered landscape architect, or a certified nurseryman, or other similarly qualified professional to the Current Planning Project Manager for review and approval prior to recording of the short plat.
6. The applicant shall pay the appropriate Fire Mitigation Fee equal to \$488.00 per new single-family residence. Credit given for one existing residence. The Fire Mitigation Fee shall be paid prior to the recording of the short plat.
7. The applicant shall have a note placed on the face of the final short plat stating the fire code requires Lots 5, 6, and 7 to have sprinkler systems installed and maintained. The satisfaction of this requirement is subject to the review and approval of the Current Planning Project Manager for review and approval prior to recording of the short plat.
8. The applicant shall pay the appropriate Parks Mitigation Fee equal to \$530.76 per new single-family lot. Credit given for one existing residence. The fee shall be paid prior to the recording of the short plat.
9. The short plat shall be required to comply with the department of Ecology's (DOE) erosion and sediment control requirements in Volume II of the 2001 Stormwater Management Manual.
10. A maintenance agreement or homeowner's association shall be created concurrently with the recording of the short plat in order to establish maintenance responsibilities for all shared improvements, including utility easement, storm drainage facilities, Tract A and B, common landscaping areas and fencing. The agreement shall be placed on the face of the final short plat.
11. Staff shall formulate a method of maintenance and monitoring for Tract B for a period of three years following completion, to avoid its becoming an eyesore or nuisance.
12. The applicant shall locate Lots 1-4 to front the east and Lots 5-7 to front to the north.

ORDERED THIS 6th day of August 2009

FRED J. KAUFMAN
HEARING EXAMINER

TRANSMITTED THIS 6th day of August 2009 to the following:

Mayor Denis Law	Dave Pargas, Fire
Jay Covington, Chief Administrative Officer	Larry Meckling, Building Official
Julia Medzegian, Council Liaison	Planning Commission
Gregg Zimmerman, PBPW Administrator	Transportation Division
Alex Pietsch, Economic Development	Utilities Division
Jennifer Henning, Development Services	Neil Watts, Development Services
Stacy Tucker, Development Services	Janet Conklin, Development Services
Marty Wine, Assistant CAO	Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100 of the City's Code, **request for reconsideration must be filed in writing on or before 5:00 p.m., August 20, 2009.** Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$75.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. **An appeal must be filed in writing on or before 5:00 p.m., August 20, 2009.**

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.